REMARKS

Claims 1-9 and 12-17 are pending in the application. Claim 16 has been amended to correct informalities therein. Claim 11 has been canceled. Favorable reconsideration of the application, as amended, is respectfully requested.

I. REJECTION OF CLAIMS 10 AND 11 UNDER 35 USC §101

Claim 11 stands rejected as reciting stream data representing non-statutory subject matter under 35 USC §101. Applicant has canceled claim 11, thereby rendering the rejection moot. Withdrawal of the rejection is respectfully requested.

II. REJECTION OF CLAIMS 1-17 UNDER 35 USC §102(e)/103(a)

Claims 1-7 and 12-17 remain rejected under 35 USC §102(e) based on Sasaki et al. Remaining claims 8-9 remain rejected under 35 USC §103(a) based on Sasaki et al. Applicant again respectfully traverses each of these rejections.

Applicant acknowledges, yet respectfully disagrees with, the assertions in the Office Action that the stream converter of the recording and reproduction apparatus of Sasaki et al. rearranges the DCT coefficients, and that this rearrangement does not constitute a conversion of the MPEG-2 stream. Conversely, Applicant submits that a conversion of the MPEG-2 compliant stream is effectuated by the rearrangement performed by the stream converter, as well as the packing, shuffling, etc. that is performed by the other components of the recording and reproduction apparatus of Sasaki et al. That is, while the rearranged converted stream may not be converted to another recognized system, the data stored on the recording medium is rearranged and converted to a non-standard shuffled format to the extent that a conventional MPEG-2 reproduction apparatus would be unable to reproduce the recorded stream without the decoding apparatus of Sasaki et al. Applicant wishes to further set forth these distinctions in the following sections.

i. Claim features

Referring to claim 1, for example, a data processor is identified that includes, *inter alia*, a writing section for writing encoded data and auxiliary information to a storage medium, wherein the encoded data and the auxiliary information are written on a storage medium as a data file that complies with the MPEG-2 system standard and an auxiliary information file, respectively. The encoded data on the storage medium is decodable by either the auxiliary information file or the MPEG-2 system standard.

That is, the data that is written to and read from the storage medium remains compatible with the conventional format (i.e., MPEG-2), and may also be reproduced in accordance with another format (e.g., MPEG-4) using the auxiliary information. (See, e.g., specification, page 68, lines 6-15.) Remaining independent claims 12-17 recite similar features.

ii. Sasaki et al. does not teach that data written on the storage medium (e.g., magnetic tape) is a data file complying with the MPEG-2 system standard, as claimed in the present invention

Sasaki et al. discloses an apparatus for recording a rearranged converted stream of data that is based upon MPEG-2 compliant data onto a magnetic tape. Sasaki et al. further discloses an apparatus that reproduces and converts the recorded stream of data from the rearranged converted stream to a stream that conforms to MPEG-2.

Sasaki et al. does not teach that encoded data is written on a storage medium as a data file complying with the MPEG-2 system standard, as recited in claim 1. While the apparatus of Sasaki et al. begins with, and ultimately produces, MPEG-2 compliant data, the data recorded on the magnetic tape is not itself MPEG-2 compliant. Rather, the paragraphs referred to in the Office Action merely recite that the aspects of the data which is being acted upon is based on MPEG-2 compliant data.

Specifically, paragraph [0052] of Sasaki et al., referred to in the Office Action, teaches that the stream converter 106 rearranges and converts the MPEG-2 compliant stream (which was generated according to the process described in paragraphs [0039] and [0050-0051]). Specifically, paragraph [0052] states that "[a] stream converter 106 collects DCT coefficients arranged in each DCT block according to the MPEG-2 specification, by their frequency components throughout a plurality of DCT blocks...and rearranges the collected frequency components." The rearrangement performed by the stream converter 106, in addition to the subsequent packing, shuffling, etc., effectuates the conversion of the MPEG-2 compliant stream to a non-standard shuffled format.

Sasaki et al. in no way states or suggests that this rearranged converted elementary stream, which is subsequently packed and shuffled by the packing and shuffling section 17, EEC encoded by the external-code encoder 109, rearranged by the shuffling section 110, mixed with the similarly shuffled audio data by the mixer 111, and ultimately recorded on magnetic tape 123, is compliant with the MPEG-2 system standard. To the contrary, a conventional MPEG-2 reproduction apparatus would be unable to decode the information stored on the magnetic tape 123 unless the apparatus is equipped with a decoder as described in Sasaki et al. with respect to Figure 2.

Paragraph [0066], referred to in the Office Action, states that during reproduction of the recorded data, the stream converter 141 performs processing so as to convert the reproduced signal to an elementary stream conforming to MPEG-2. Specifically the reproduced signal is converted from the non-standard shuffled format to the MPEG-2 compliant format by rearranging DCT coefficients for each frequency component in each DCT block. Only after the rearranged converted stream of data is decoded is the stream again identified as being MPEG-2 compliant.

Applicant does not dispute that Sasaki et al. describes the utility of the invention in connection with a MPEG-2 compliant data file. However, as shown above, the

references made in the Office Action merely relate to the relevant features of the data strain being processed. None of the paragraphs cited represent that the data which is written on the storage medium (e.g., magnetic tape) is a data file complying with the MPEG-2 system standard as claimed.

Furthermore, to the extent that Sasaki et al. is relied on as teaching the claimed MPEG-2 system standard, Sasaki et al. instead refers to the MPEG-2 video standard. Paragraphs [0050] describes the elementary stream as being generated from the video encoder 102, meaning that the elementary stream conforms to the MPEG-2 video standard. As described in the background section of the present specification, MPEG-2 system standard incorporates auxiliary information in the system stream. (See, e.g., Specification, page 2, lines 8-14.) Paragraph [0050] fails to teach such features.

For at least the above reasons, Applicant respectfully submits that Sasaki et al. does not teach or suggest each and every feature of the invention as recited in independent claims 1 and 12-17, or the claims dependent therefrom. Applicant respectfully requests that the rejection be withdrawn.

III. CONCLUSION

Accordingly, all claims 1-9 and 12-17 are believed to be allowable and the application is believed to be in condition for allowance. A prompt action to such end is earnestly solicited.

Should the Examiner feel that a telephone interview would be helpful to facilitate favorable prosecution of the above-identified application, the Examiner is invited to contact the undersigned at the telephone number provided below.

Should a petition for an extension of time be necessary for the timely reply to the outstanding Office Action (or if such a petition has been made and an additional

extension is necessary), petition is hereby made and the Commissioner is authorized to charge any fees (including additional claim fees) to Deposit Account No. 18-0988.

Respectfully submitted,

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